

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            ) No. 3:11-CR-72  
                                )  
                                )  
CHASWAN BATTLE           ) CHIEF JUDGE HAYNES

*Answer*  
*The motion*  
*to cancel is*  
*GRANTED*  
*Will J.H.*  
*10/24/13*

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**MOTION TO CONTINUE AND/OR CANCEL EVIDENTIARY HEARING SET FOR 10-24-13**  
**OCTOBER 25, 2013**

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Comes now the defendant, by and through counsel and respectfully moves that the Evidentiary Hearing presently scheduled for October 25, 2013 at 1:30 p.m. be either continued or cancelled, as this Honorable Court deems most appropriate.

In support of this Motion counsel would show the following:

1. Counsel formally filed notice of appearance on August 26, 2013 (DE 31). Since that time counsel has been gathering the relevant discovery and investigating the case.

2. Prior to counsel's appearance, on May 30, 2013, former defense counsel and the government requested a continuance of the jury trial until December 10, 2013, and proposed that pre-trial motions for which an evidentiary hearing was requested be litigated on October 21, 2013. (DE 25). This Honorable Court granted the continuance motion on May 31, 2013 (DE 26).

3. At this time defense counsel's only motion has been for leave to file under seal (DE 32), and then the under seal filing (DE 33).

4. Neither the government, nor the defense has filed any motions for which